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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/764,072

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EXAMINER

CONNOLLY, MARK A

ART UNIT

PAPER NUMBER

2115

MAIL DATE

DELIVERY MODE

10/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: HISHAM ABDEL-GHAFFAR

Application No. 09/764,072
Technology Center 2100

Mailed: October 30, 2008

Before TOI JOHNSON *Review Team Paralegal*
JOHNSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 29, 2008. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER’S ANSWER, GROUNDS OF REJECTION

A review of the file indicates that the Examiner’s Answer filed April 22, 2008 does not comply with the guidelines provided in MPEP § 1207.02 because the “Grounds of Rejection” section does not fully restate the point relied upon in the answer. If there is a complete and thorough development of the issues in a prior action, the Examiner may copy any referenced prior rejection(s) from the prior Office action into the examiner’s answer. The Examiner is reminded to reevaluate his or her prior position in light of the arguments presented in the brief, and should expressly withdraw any rejections not adhered to in the “Grounds of Rejection Withdrawn” section of the examiner’s answer.

Therefore, a substitute Examiner’s Answer which fully restates any prior points relied upon in the answer is required. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 (8th ed. Rev. 6, Sept 2007) for details.

EXAMINER’S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on March 21, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) vacate the Examiner's Answer mailed April 22, 2008;

2) generate a new Examiner's Answer fully restating the point relied on
in the answer;

3) consider the Reply Brief filed March 21, 2008 as indicated above;
and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the
Board of Patent Appeals and Interferences at 571-272-9797.

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